

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 14817 of 2005

Between:

- 1 Smt.Poreddy Malathi W/o.Chandra Reddy, Hindu.
- 2 Smt.Mayreddy Indira, W/o.M.Surender Reddy, Hindu
R/o.O Block, Door No.2, Telecom Staff Quarters, Vanasthalipuram,
Hyderabad.
- 3 Smt.Yadavalli Vani W/o. Y.Purshotham Reddy
R/o.Flat No.201, A.Prajay Alkapuri Apartments, Green Hills Colony,
L.B.Nagar Ranga reddy.
- 4 K.Sathi reddy, S/o.K.Achi Reddy,
R/o.H.No.B-1103 N.G.O.s Colony, R.R.District.
- 5 M.Siva Prasad, S/o.M.Sree Ramulu,
R/o.Plot No.272, FCI Colony, Vanathalipuram Hyderabad.

..... PETITIONERS

AND

- 1 The State of Andhra Pradesh, rep. by its Special Chief Secretary to
Government, Revenue Department,
Secretariat, Hyderabad.
- 2 The District Registrar of Stamps and Registration Ranga Reddy District.
- 3 The Sub Registrar, Champapet, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of writ of Mandamus, declaring the action of the 3rd respondent in not registering and releasing the petitioners sale deeds as per G.O.Ms.No.807, Revenue (Registration-I) Department, dt.13.10.2004

issued by the 1st respondent as illegal, arbitrary, discriminatory, being violative of Principles of Natural Justice and contrary to G.O.Ms.No.807, dt.13.10.2004 issued by the 1st respondent and consequently direct the 3rd respondent to release the sale deeds of the petitioners after due registration of their respective plots by extending the benefits of Judgment in W.P.No.12205 of 2005 dt.10.6.2005 and pass such and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.VUPPALA BHASKAR

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

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Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

This writ petition is filed questioning the action of the

3rd respondent-Sub-Registrar, Champapet, Rangareddy District, in not registering and releasing the sale deeds of the petitioners as per G.O.Ms.No.807, Revenue (Registration-I) Department, dated 13-10-2004, as illegal, arbitrary, discriminatory, violative of principles of natural justice and contrary to G.O.Ms.No.807, dated 13-10-2004 and consequently, to direct the 3rd respondent to release the sale deeds of the petitioners after due registration of their respective plots.

The petitioners contend that they purchased certain residential plots in S.Nos.57 to 60, situated at Karmanghat village, Saroornagar Mandal, Rangareddy District. They paid the requisite registration fee and submitted their sale deeds to the

3rd respondent for registration. But, the 3rd respondent refused to register the sale deeds on the ground that the State Government had issued G.O.Ms.No.751 dated 12-12-2001, wherein, it was declared that registration of documents of immovable property in the said survey numbers was opposed to public policy. All the Sub-Registrars were directed not to register any sale deeds pertaining to the said survey numbers and to pass refusal orders. Subsequently, Government issued G.O.Ms.No.807, dated

13-10-2004 under sub-section 1 of Section 22-A of the Registration Act, 1908, denotifying the earlier notification issued in G.O.Ms.No.751, dated 12-12-2001 in respect of the lands situated in the said survey numbers.

It is the case of the petitioners that in the light of G.O.Ms.No.807, dated 13-10-2004, the objections raised by the 3rd respondent on the basis of G.O.Ms.No.751, dated 12-12-2001, does not exist. The petitioners placed reliance on the judgment of this Court in WP.No.11805 of 2005 dated

07-06-2005, wherein, this Court directed the respondents to release the documents presented by the petitioners for registration without raising any objection on the basis of the said G.O.Ms.No.751, dated 12-12-2001. However, this Court made it clear that the order passed in WP.No.11805 of 2005 dated

07-06-2005 did not disable the registering authority to withhold the registration of documents, if there were some other objections for the registration of the documents, other than on the basis of G.O.Ms.No.751, dated 12.12.2001 and if there be other objections, the registering authority was directed to communicate such objections to the petitioners.

Accordingly, this writ petition is also disposed of in terms of the order passed in WP.No.11805 of 2005, dated 07-06-2005 with the following directions:

The third respondent shall release the documents presented by the petitioners for registration without raising any objections on the basis of G.O.Ms.No.751, dated 12-12-2001. The registering authority, however, is not disabled from withholding registration if there are some other objections to the registration of the documents other than on the basis of G.O.Ms.No.751, dated 12-12-2001. If there be other objections, the registering authority shall communicate such objections to the petitioners.

The writ petition is disposed of accordingly.

(RAMESH RANGANATHAN, J)

12th July, 2005.

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To

1 The Special Chief Secretary to

Government, State of Andhra Pradesh, Revenue Department,

Secretariat, Hyderabad.

2 The District Registrar of Stamps and Registration Ranga Reddy District.

3 The Sub Registrar, Champapet, Ranga Reddy District.

4 Two CCs to the G.P for Revenue, High Court of A.P., Hyderabad(O.U.T).

5 2 CD copies

6 5 CCs to MR.VUPPALA BHASKAR